

**HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.3408 of 1990 (O&M)

Date of Decision: 08.07.2011

State of Haryana

. . . Petitioner

VS.

Shri Ram Chand & Anr.

. . . . Respondents

CORAM : HON'BLE MR.JUSTICE SURYA KANT

1. Whether Reporters of local papers may be allowed to see the judgment?

2. To be referred to the Reporters or not?

3. Whether the judgment should be reported in the Digest?

Present: Mr. Ravi Dutt Sharma, DAG Haryana for the petitioner

Mr. JS Mannipur, Advocate for respondents

SURYA KANT, J. (ORAL)

- (1). This Civil Writ Petition is directed by the State of Haryana against the award dated 04.01.1990 (Annexure P9) passed by the Labour Court, Ambala City directing re-instatement of respondent No.1 with full backwages and continuity of service.
- (2). The first respondent was appointed as Electrician on work-charged basis at Hathnikund Barrage, Mech.Divn.No.1, Yamuna Nagar w.e.f. 14.11.1979. While the case of respondent No.1 was that his services were illegally terminated on 24.06.1981.
- (3). On the other hand, the plea taken by the petitioner-Department was that he had abandoned the employment.

- (4). The Labour Court on appreciation of the evidence on record, came to the conclusion that it was not a case of abandonment of employment rather the first respondent was retrenched from service without complying with the provisions of Industrial Disputes Act, 1947. Consequential relief of re-instatement with backwages and continuity of service was granted.
- (5). It is the conceded position that in the absence of any *ad interim* stay order, the petitioner-Department reinstated respondent No.1 in service and even the backwages were also paid on his furnishing security to the satisfaction of the Labour Court as was directed vide order September, 19, 1991.
- (6). During the interregnum, the service of respondent No.1 has been regularized and is nearing the age of superannuation.
- (7). In these circumstances, I do not deem it appropriate to go into the merits of the impugned Award and dismiss the writ petition as infructuous, however, with a clarification that the impugned Award shall not be taken as binding precedent in the other cases.
- (8). Ordered accordingly. ***Dasti.***

08.07.2011
vishal shonkar

(S u r y a K a n t)
Judge